

CHAPTER 76: GOLF CARTS

AUTHORITY FOR ORDINANCE:

This chapter is adopted to address the interest of public safety under the provisions of House Bill 538, Session Law 2007-72 and Senate Bill 1328, Session Law 2006-27, which provides the Town of Fremont authority to:

- A. Notwithstanding the provisions of G.S. 20-50 and G.S. 20-54, the town may, by ordinance, regulate the operation of golf carts on any public street or highway within the town limits, or on any property owned or leased by the town.
- B. By ordinance, the town may require the registration of golf carts, charge a fee for the registration, specify who is authorized to operate golf carts, and specify the required equipment, load limits, and the hours and methods of operation of golf carts.

DEFINITIONS:

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Golf cart: means an electric or gas golf cart.

Operate: means to drive, or be in physical control of a golf cart that is moving or has its engine on.

LIABILITY DISCLAIMER:

This article is adopted to address the interest of public safety. Golf carts are not designed or manufactured to be used on the public streets, and the town in no way advocates or endorses their operation on public streets or roads. The town, by regulating such operation is merely trying to address obvious safety issues, and adoption of this article is not to be relied upon as a determination that operation on public streets is safe or advisable if done in accordance with this article. All persons who operate or ride upon golf carts on public streets or roads do so at their own risk and peril, and must be observant of, and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. The town has no liability under any theory of liability and the town assumes no liability, for permitting golf carts to be operated on the public streets and roads under the special legislation granted by the state's legislature. Any person who operates a golf cart is responsible for procuring liability insurance sufficient to cover the risk involved in using a golf cart on the public streets and roads.

RULES AND REGULATIONS.

Carts that are not equipped and registered as required by the State Motor Vehicle Law may only be operated within the Town of Fremont, in areas other than the golf course, in accordance with the following rules and regulations. Operation of carts in violation of these rules and regulations shall be

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subject to the penalty provisions of this section or in egregious cases, may constitute reckless driving as defined in the North Carolina General Statutes.

- A. Drivers of carts shall stay to the far right of the traveled portion of the road and yield the right-of-way to overtaking motor vehicles and pedestrian traffic.
- B. Carts operating between the time of one-half hour before sunset and one-half hour after sunrise shall be equipped with and have in use headlights and reflectors located on the rear of the cart.
- C. Golf carts may be operated only between the hours of 6:00 a.m. to 10:00 p.m.
- D. Carts shall be equipped with at least one operational mirror allowing the operator to see behind the cart.
- E. Golf carts must be operated in accordance with all applicable state and local laws and ordinances, including all laws, regulations and ordinances pertaining to the possession and use of alcoholic beverages.
- F. Golf carts must have the basic equipment supplied by the manufacturer, including a vehicle identification number. Such equipment must include all safety devices as installed by said manufacturer, including lights and reflectors if the vehicle is to be operated at any time before sunrise or after sunset as set forth in subsection (C) of this ordinance.
- G. No one is allowed to stand on a golf cart while it is in operation.
- H. The driver must be at least 16 years old and have proper picture identification of such.
- I. Only the number of people the golf cart is designed to seat may ride on a golf cart, specifically, passengers shall not be carried on the part of a golf cart designed to carry golf bags.
- J. The chief of police, or his designee, may prohibit the operation of golf carts on any street or road if the chief determines that the prohibition is necessary in the interest of safety.
- K. Golf carts shall not be operated on or across any public or private properties without the permission of the property owner.

PENALTY

Violation of this chapter shall be a misdemeanor and punished with a fine of \$50 for each violation, provided however, that operating a golf cart under the influence of an impairing substance (i.e., alcohol or drugs) on a public road or highway is not a violation of this article, but a violation of state law, and is punishable as provided therein.

(Ordinance passed 8-19-08)